



No. 76

September 23, 2004

S. 2826 – District of Columbia Appropriations Bill for FY 2005

Calendar No. 709

On September 21, 2004, the Appropriations Committee reported S. 2826 as an original bill by a vote of 29-0; S. Report 108-354.

Noteworthy

- During the evening of September 22, the Senate passed S. 2826 by unanimous consent and appointed conferees.
- S. 2826 provides \$560 million in discretionary budget authority, which is nearly equal to the Administration's request, and \$18.2 million above the FY04 enacted level.
- S. 2826 recommends a total of \$8.2 billion in District of Columbia funds for FY 2005, consisting of \$7.1 billion in operating expenses and \$1.1 billion in capital outlay funds. This is the same level of funding requested by the District of Columbia.
- S. 2826 provides \$40 million for School Improvement in the District of Columbia, which is equal to the Administration's request.
- On July 20, the House passed H.R. 4850, its version of the District of Columbia Appropriations bill for FY 2005, by a vote of 371-54. H.R. 4850 includes a similar funding level of \$560 million.

Highlights

S. 2826 focuses on three key priorities for the District of Columbia: 1) enhancing the educational opportunities for inner-city students; 2) reducing and preventing crime in the District; and 3) increasing security in the nation's Capital.

Education: Provides \$40 million to promote inner-city educational opportunities for primary and secondary school students. This funding will be implemented through three related components: 1) investing in traditional public schools; 2) expanding choice through charter schools; and 3) offering opportunity scholarships for low-income students to attend private schools.

Crime Prevention: Provides \$182.5 million for Court Services and Offender Supervision Agency (CSOSA), which is \$15 million above the FY04 enacted level. This Agency, funded entirely through a Federal appropriation, provides pretrial services, adult probation, parole services, and adult offender supervision. These additional resources will allow CSOSA to continue to enhance its supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders. The additional resources will also expand the Agency's use of GPS-based electronic monitoring equipment to ensure that offenders are not near locations such as schools or specific residences.

DC Security: Provides \$7 million to support the completion of a Unified Communications Center (UCC), which will coordinate multi-agency responses in the event of regional and national emergencies. The UCC will house "command and control" functions in a facility designed to withstand natural disasters and terrorist attacks. The Committee is also continuing to provide \$15 million to reimburse the District for increased police, fire, and emergency personnel costs associated with the presence of the Federal Government.

Bill Provisions

S. 2826 includes the following Federal payments:

- **District of Columbia Resident Tuition Support:** Provides \$21.2 million in Federal funds for the District of Columbia Tuition Assistance Program, which is \$4.2 million above the Administration's request, and \$4.3 million above the FY04 enacted level. Included in this funding is: the authorized level of \$17 million for the program and \$4.2 million which is provided specifically for the year 2005-2006 enrollment.
- **District of Columbia Courts:** Provides \$195 million in Federal funds for the District of Columbia Courts, which is \$33 million below the Administration's request, but \$28.2 million above the FY04 enacted level. Included in this funding is: \$134.6 million for the Courts' operations and \$60.2 million for capital improvements.

- **Defender Services in District of Columbia Courts:** Provides \$34.5 million for Defender Services in District of Columbia Courts, which is \$7 million below the Administration's request, but \$2.7 million above the FY04 enacted level. This funding continues the phase-in of a rate increase for attorneys and investigators that were initiated in FY 2002.
- **Court Services and Offender Supervision Agency for the District of Columbia:** Provides \$182.5 million for the Court Services and Offender Supervision Agency, which is \$5 million below the Administration's request, but \$15 million above the FY04 enacted level.
- **Water and Sewer Authority:** Provides \$10 million (to be matched 100 percent with local funds) for the Water and Sewer Authority, which is equal to the Administration's request, but \$19.8 million below the FY04 enacted level. This funding will implement the Combined Sewer Overflow Program, which includes a long-term control plan to deal with overflows of sanitary waste and storm-water into surrounding rivers.¹
- **Anacostia Waterfront Initiative:** Provides \$3 million for the Anacostia Waterfront Initiative, which is equal to the Administration's request, but nearly \$2 million below the FY04 enacted level. These funds will support the construction of a multi-use hiker and biker trail system along both sides of the Anacostia River.
- **Criminal Justice Coordinating Council:** Provides \$1.3 million for the Criminal Justice Coordinating Council, which is equal to the Administration's request and the FY04 enacted level.
- **United Communications Center:** Provides \$7 million for United Communications Center, which is equal to the Administration's request, but \$1.1 million below the FY04 enacted level. This Center is intended to be the District's public safety and homeland defense centerpiece project.
- **Transportation Assistance:** Provides \$5 million for Transportation Assistance in the District of Columbia, which is \$5 million above the Administration's request, and \$1.5 million above the FY04 enacted level. Included in this funding is \$4 million to assist the District with its annual payment to the Washington Metropolitan Area Transit Authority (better known as the Metro).
- **Foster Care Improvement:** Provides \$5 million for Foster Care Improvement, which is \$5 million above the Administration's request, but \$8.9 million below the FY04 enacted level. This appropriation will allow the District to continue to provide the services at the level initiated last year, through the use of unexpended funds. Included in this funding is: \$2 million for an intensive, early intervention program; \$1.5 million for the District's Department of Mental Health to ensure that all children

¹ It is estimated that these overflows occur between 60 and 75 times a year during heavy rains.

within the foster care system receive a mental health assessment within 15 days of entering the system, and that the Court subsequently receives that assessment; and \$500,000 to recruit and retain foster parents.

- **Office of the Chief Financial Officer of the District of Columbia:** Provides \$32.5 million for the Office of the Chief Financial Officer of the District of Columbia, which is \$341,000 above the FY04 enacted level. The Administration did not request funding for this account. A portion of these funds are intended for the Children's National Medical Center for a new pediatric intensive care unit and a neonatal intensive care unit.
- **School Improvement in the District of Columbia:** Provides \$40 million for School Improvement in the District of Columbia, which is equal to the Administration's request, and \$236,000 above the FY04 enacted level. Included within these funds is: \$13 million to provide a scholarship program for low-income children in underperforming schools; \$13 million for development of public charter schools; \$13 million aimed at increasing student achievement at District of Columbia Public Schools in accordance with the No Child Left Behind Act; and \$1 million is for administrative expenses. The Committee requests the District of Columbia to develop and administer an incentive program to measure the progress of public elementary and secondary schools, and charter schools in raising student achievement, and rewarding those successful schools with grants. Also \$14 million is to provide opportunity scholarships, up to \$7,500 apiece, for low-income students. These funds will continue a scholarship program that allows low-income students in underperforming schools to attend private schools. This program too will stimulate improvements within the DC school system and will improve the prospects of the students receiving the scholarships.
- **Bioterrorism and Forensics Lab:** Provides \$8 million for architectural design and planning costs associated with the construction of a new Bioterrorism and Forensics Lab. The District is expected to provide an additional \$2.3 million for design costs.

General Provisions

S.2826 modifies current law in two areas:

- **Sec. 306, 307, and 319 – Lobbying:** prohibits the use of Federal funds, but allows local funds, for all lobbying purposes, including lobbying for voting representation and statehood.
- **Sec. 320 – Needle exchange:** prohibits the use of Federal funds, but allows local funds, to support any program which distributes hypodermic needles for the purpose of reducing disease transmission.

The bill maintains current law on the following other general provisions:

- **Sec. 328 – Attorney’s Fees:** caps the amount paid to attorneys at \$4,000 per case in suits against the District of Columbia Public Schools under the Individuals with Disabilities Education Act.
- **Sec. 314 – Abortion services:** Prohibits the use of Federal and local funds for abortion services, except in the case of rape, incest, or to preserve the mother’s health.
- **Sec. 315 – Domestic Partner health benefits:** prohibits the use of Federal funds, but allows local funds, to implement the D.C. law offering health benefits to partners of city employees.
- **Sec. 322 – Medical Marijuana:** Prohibits the use of Federal and local funds to implement a 1998 D.C. initiative in support of the medical use of marijuana.
- **Sec. 326 – Boy Scouts:** Prohibits the use of Federal and local funds to support the D.C. Human Rights Commission case against the Boy Scouts of America for discriminating on the basis of sexual orientation.
- **Sec. 333 –** Modifies the District's **Emergency and Contingency Cash Reserve requirements.** The change would require a 2-percent Emergency Reserve and a 4-percent Contingency Reserve, thereby reducing the total reserve requirement from 7 percent to 6 percent. New language also extends the replenishment requirement from one year to two years; bases the Emergency and Contingency Cash reserve requirement on prior year actual expenditures, rather than the proposed expenditures of the current budget year; and authorizes the shifting of funds between the Emergency and Contingency Funds to allow the District to transfer surplus funds to the General fund.
- **Sec. 343 –** Requires the Park Service to lease Kenilworth Park to the District of Columbia for a period of 50 years for recreational purposes.

Administration Position

A statement of Administration Policy (SAP) concerning S. 2826 as reported by the Senate Appropriations Committee was not available at press time.

On July 20, the Administration released a SAP on the House-reported bill, H.R. 4850. The Administration supported the House passage of H.R. 4850, and was pleased that the level of funding was consistent with the \$819 billion level for total FY05 discretionary spending that the Administration supports. In the SAP, the Administration offered its views on several provisions in H.R. 4850 (including the D.C. Courts, the D.C. Fire Department, the University of the District of Columbia, and other issues), but did not suggest it would veto the bill over these concerns.

Cost

The Committee, in consultation with the Congressional Budget Office, estimates the bill provides \$560 million in discretionary budget authority and \$540 million in discretionary outlays (which includes outlays from prior-year budget authority).

S. 2826 would result in the following outlays:

FY 2005	\$540 million
FY 2006	\$48 million
FY 2007	\$56 million
FY 2008	\$16 million
FY 2009 (and future years)	\$9 million